

AUG 31 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARTIN GONZALEZ-ROBLES,

Defendant - Appellant.

No. 07-30435

D.C. No. CR-07-60046-ALA

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, Chief District Judge, Presiding

Submitted August 20, 2009^{**}

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

Martin Gonzalez-Robles appeals from the 87-month sentence imposed following his guilty-plea conviction for possession of methamphetamine with

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

intent to distribute, in violation of 21 U.S.C. § 841(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Gonzalez-Robles contends that the district court improperly determined that he was ineligible for “safety valve” relief pursuant to 18 U.S.C. § 3553(f) and U.S.S.G. § 5C1.2, and failed adequately to explain that determination. For those reasons, he also contends that his sentence is unreasonable. The district court did not clearly err in finding that Gonzalez-Robles did not truthfully provide all relevant information concerning the conduct for which he was sentenced. *See United States v. Ajugwo*, 82 F.3d 925, 929-30 (9th Cir. 1996); 18 U.S.C. § 3553(f)(5).

The district court did not err in explaining that determination. *See Rita v. United States*, 551 U.S. 338, 358-60 (2007).

Further, the district court’s sentence determination was not unreasonable. *See id.*

The Government’s motion to supplement the record is granted.

AFFIRMED.